



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in the Lok Sabha on the 10th August, 2001:—

BILL No. 187 OF 2000

*A Bill to provide for protection of the rights of the street children.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Street Children (Protection of Rights) Act, 2000.
- (2) It shall extend to the whole of India.
- (3) It shall come into force immediately.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “abandoned child” means a child whose parents or guardian have abandoned the child in any circumstance;

(b) “appropriate Government” means the State Government in respect of children belonging to a State by virtue of birth or domicile and their rights and the Central Government in all other cases;

(c) “child” means any child below the age of eighteen years;

(d) "destitute child" means a child having no known parents or guardian responsible for up-bringing, education, training and development of the child;

(e) "Convention" means the United Nations Convention on the Rights of the Child, adopted by the U.N. General Assembly in 1989;

(f) "National Policy" means the National Policy for the street children as provided under section 3 of this Act;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Regulatory Authority" means a regulatory authority appointed under section 6; and

(i) "Street Children" means and includes the deprived children with unknown parentage, abandoned and neglected children including destitute children of sex workers and abandoned children.

Formulation of  
a National  
Policy for  
street children.

3. The Central Government shall, by notification in the Official Gazette, lay down a National Policy for the street children, in consultation with the National Commission constituted under section 4, to secure to all street children all the rights of the child as contemplated in the Convention.

Setting up of  
National  
Commission.

4. (1) The Central Government shall, by notification in the Official Gazette, set up a Commission called the National Commission for Street Children.

(2) The National Commission shall consists of the following namely:—

(a) the Union Minister of Social Justice and Empowerment who shall be the Chairman of the National Commission;

(b) the Secretary to the Union Ministry of Social Justice and Empowerment who shall be the *ex-officio* Secretary of the National Commission;

(c) the Union Ministers of Health and Family Welfare, Labour, Finance and the Deputy Chairman of the Planning Commission and the Chairman of the Central Social Welfare Board shall be the *ex-officio* members of the National Commission;

(d) three Members of Parliament, two from the Lok Sabha and one from the Rajya Sabha who shall be elected by the respective House of Parliament as members of the National Commission for a period of one year; and

(e) Five members of the National Commission to be appointed by the Central Government in the manner as may be prescribed.

Functions of  
the National  
Commission.

5. The National Commission shall perform all or any of the following functions:—

(a) to evolve a National Policy as provided under section 3 of this Act for securing to the Street Children the rights of the child as contemplated under the Convention and to prevent violation of such rights, by recourse to the provisions of Juvenile Justice Act, 1986, and any other means as may be prescribed;

(b) to lay down schemes and programmes for achieving the objectives set out in clause (a);

(c) to evolve and float health insurance, education, training and development assurance schemes for such children;

(d) to promote schemes and programmes for emancipation of children from the clutches of organised beggars' gangs and those found engaged in bonded labour and working in hazardous industries, mines engaged in hazardous jobs including sex-workers and to rehabilitate them through education, training and providing for their due maintenance, care and security against exploitation and health hazardous, through proper institutions like child-care homes, including those set up under Juvenile Justice Act, 1986 and Non-Governmental philanthropic organisations.

(e) to create and generate funds for financing the schemes made under this Act, at the national level;

(f) to promote schemes to ensure that children apprehended for loitering and minor offences and other apprehended for juvenile delinquency are not lodged in jails nor detained in lock-ups, for want of sureties, as under-trials and otherwise and for this purpose to make a review from time to time, of the provisions of the Indian Penal Code and the Code of Criminal Procedure 1973 and relevant rules and operation thereof, to ensure expeditious trial of juvenile under-trials and to recommend amendments and modifications thereto;

(g) to lay down norms, rules and regulations for recognition and registration of the voluntary organisation and trusts engaged in welfare and care of the street children.

6. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a Regulatory Authority for each territorial division created for the purpose.

Appointment  
of Regulatory  
Authority.

(2) It shall be the duty of the Regulatory Authority:—

(a) to register all births within its territorial jurisdiction;

(b) to maintain a Register of the Street children residing in its territorial jurisdiction, with appropriate classification;

(c) to evolve plans and programmes for approval of the National Commission for the purpose envisaged in sub-section (d), (e) and (f) of section 5;

(d) to evolve guide-lines for approval of appropriate Government for running of institutions and organisations for carrying out various objectives for care and rehabilitation of street children; and

(e) to carry out such other functions as may be prescribed.

7. The appropriate Government shall ensure that:—

Rights of street  
children.

(1) every street child shall have the right to proper means of living, due care, protection and security of life against physical and mental violence, as may be prescribed.

(2) every street child shall have the right to basic education and training and means for free and fair development of personality including play and entertainment, as may be prescribed.

(3) every street child shall have the right to enjoyment of highest attainable standard of health, nutrition, medi-care, treatment for illness and rehabilitation of health, as may be prescribed.

8. The appropriate Government shall constitute a 'Street Child Development Fund' for implementation of the schemes promoted under this Act.

Street Children  
Development  
Fund.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to Make  
rules.

## STATEMENT OF OBJECTS AND REASONS

The need for protecting the child from abuse and exploitation has been felt for a long time. The first Declaration of the Rights of the Child was drafted in 1923 and was adopted by the League of Nations in 1924, declaring, that mankind owes to the child the best it has to give.

The year 1979, was observed as the International Year of the child when the United Nations undertook to draft a treaty binding on all the nations. The UN General Assembly in 1989, unanimously adopted the convention on the Rights of the Child. The soul of the convention is set out in four over-arching articles.

1. No discrimination against children.
2. In all matters concerning children, the best interests of the child shall be primary.
3. The right of the child to life, survival and development.
4. The right of the child to express views freely in all matters affecting him or her.

All this concern of humanity for the child is obviously attributable to acceptance of the fact that the child is most vulnerable to abuse and exploitation, especially in the poorer nations, where child labour especially bonded child labour is rampant.

Children's rights became the matter of concern in all the major UN conferences in 1990's. India acceded to the UN Convention on the rights of the child on December 11, 1992, and decade 1991—2000 has been observed as the Decade of the Girl Child with the National Decade Plan of action for the Girl Child in recognition of the rights of the girl child to protect from exploitation, assault and physical abuse. The National Policy for children laid down in 1974 itself envisaged that "Children shall be protected against neglect, cruelty and exploitation."

Despite all these policies and programmes and laws like the Juvenile Justice Act, 1986, and the Child Labour (Prohibition and Regulation) Act, 1986, the child remains the most exploited and abused section of society. Over 20 million children are enslaved in bonded employment, 380 million children are kept away from school, malnutrition of children continue unabated taking a heavy toll of the infants and as per recent UNICEF study over one million children are forced into prostitution every year, majority of them in Asia. Countless children are seen engaged in begging on road crossings and other public places, most of them under organised gangs.

It is therefore, necessary to lay down by law the basic rights of all children, including the street children, the children of abandoned and neglected children and the bonded children and those engaged in begging and children of sex workers who face the problem of identity of society and to provide an administrative mechanism for protection and promotion of these rights.

To provide necessary infrastructure to secure to the street children their rights, as per UN Convention and to protect them against exploitation and abuse, it is proposed to create a Regulatory Authority in each territorial division as provided for in clause 6 of the Bill, who would be responsible for registering all births and maintain a register for the street children, to provide for ways and means for securing their due rights under the Convention.

The Bill thus aims at providing for infrastructure, policy and the law to secure and protect the rights of the street children, as per UN Convention, adopted by the Government.

Hence this Bill.

NEW DELHI;  
November 8, 2000.

RENUKA CHOWDHURY.

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the setting up of a National Commission for the street children by the Central Government. Clause 5 provides for creation of funds for financing the schemes made under this Act. Clause 7 provides for certain basic rights of children like education, training, health-care, rehabilitation, etc. Clause 8 provides for constitution of a Street Children Development Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four crore per annum.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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## BILL NO. 164 OF 2000

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

Amendment of  
article 130.

2. In article 130 of the Constitution, for the words "Chief Justice of India", the words "the Committee comprising of Union Home Minister, Union Law Minister, Leaders of Opposition of both Houses of Parliament and the Chief Justice of India" shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

The amendment seeks to confer the power of deciding the issue of setting up of Bench/Benches of Supreme Court in place/places other than Delhi, on a Committee rather than on an individual. While the independence of judiciary is to be preserved at all costs, the basic duty of the parliament and the Executive to live upto the aspirations of the people, will have to be discharged in right earnest.

Though efforts were made by the Executive to set up a Bench of the Supreme Court at Chennai even recently, as a result of demands from Members of Parliament as well as the people, the efforts could not bear fruit due to the shortcomings in article 130.

Hence this Bill.

NEW DELHI;  
*November 8, 2000.*

VAIKO.

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## BILL No. 173 OF 2000

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force with immediate effect.

Substitution of  
new article for  
article 120.

2. For article 120 of the Constitution, the following article shall be substituted, namely:—

Languages in  
which business  
in Parliament to  
be transacted.

**“120. The business in Parliament shall be transacted in any of the languages specified in the Eighth Schedule or in English.”**

Substitution of  
new article for  
article 343.

3. For article 343 of the Constitution, the following article shall be substituted, namely:—

Official  
languages of  
the Union.

**“343. (1) The official languages of the Union shall be the languages specified in the Eighth Schedule.**



(2) The form of numerals to be used for the official purposes of the union shall be the international form of Indian numerals.

(3) Notwithstanding anything in clause (1), English language may be used for official purposes wherever necessary to facilitate communication.”.

4. In article 344 of the Constitution,—

Amendment of  
article 344.

(i) in the marginal heading, for the word “language”, the word “languages” shall be substituted;

(ii) in clause (1), the words “at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement” shall be omitted;

(iii) in clause (2),

(a) in sub-clause (a), for the words “Hindi language”, the words “languages specified in the Eighth Schedule” shall be substituted;

(b) in sub-clause (e), for the words “as regards the official language” the words “as regards the official languages” shall be substituted;

(iv) in clause (3), for the words “belonging to the non-Hindi speaking areas” the words “whose language is not specified in the Eighth Schedule” shall be substituted.

5. For article 351 of the Constitution, the following article shall be substituted, namely:—

Substitution of  
new article for  
article 351.

**“351. It shall be the duty of the Union to promote all the languages specified in the Eighth Schedule and to develop them so that they may bring out the best elements of the composite culture of India and thus be a unifying force.”.**

Directive for  
development of  
languages  
specified in  
Eighth  
Schedule.

### STATEMENT OF OBJECTS AND REASONS

The amendment seeks to provide equal status to all the Indian languages by declaring them as the official languages of the Union of India, Since India is a cauldron of cultures having plural society, people have a longing to express their feelings and thoughts in their mother-tongues. As languages are rooted in their respective culture, both, the culture and the language remain dovetailed and therefore, promotion and preservation of the language is essential to promote and preserve the culture of each section of our society. Such a step will rejuvenate the psyche of the people and create a sense of belonging, particularly to the distraught youth of the country. The proposed amendments, in letter and spirit, shall reinforce our unassailable faith in 'unity in diversity'.

Hence this Bill.

NEW DELHI;  
November 8, 2000.

VAIKO.

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### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the business in Parliament shall be transacted in any of the languages specified in the Eighth Schedule to the Constitution. Clause 3 provides that official languages of the Union shall be the languages specified in the Eighth Schedule. Clause 5 provides that the Union shall promote and develop all the languages specified in the Eighth Schedule. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five crore is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees ten crore is also likely to be involved.

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## BILL NO. 163 OF 2000

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

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|---|---|
| 1. This Act may be called the Constitution (Amendment) Act, 2000.   | Short title.  |
| 2. In article 15 of the Constitution, in clause (4), after the words “the Scheduled Tribes”, the words “or for the disabled persons” shall be inserted. | Amendment of article 15.                            |
| 3. After article 335 of the Constitution, the following article shall be inserted, namely:—   | Insertion of new article 335 A.                     |
| “335A. (1) There shall be reservation for disabled persons in services and posts in connection with the affairs of the Union or of a State.             | Reservation for the disabled in services and posts. |

(2) The percentage of reservation for the disabled persons shall be in accordance with the proportion of their population to the total population of the country but the percentage of reservation shall be not less than five per cent. of the total appointments and posts in connection with the affairs of the Union or of a State.

(3) The provisions of this article shall have effect notwithstanding anything contained in any judgment or an order of a court of law or an authority in the matter of ceiling on reservation.”.

**STATEMENT OF OBJECTS AND REASONS**

This amending Bill seeks to provide reservation to the disabled or the 'differently abled' persons of our society. It is the duty of the Government to protect the dignity of life of the visually and the physically challenged. They need to be given preferential treatment by way of free education and reservation in job opportunities.

Though Bills have been introduced in the past, 'seeking to provide reservation for the disabled', the ceiling of a maximum of 50 per cent on reservation imposed by the Supreme Court poses hurdle to the practical aspects of implementation. Constitutional amendment alone can provide the desired reservation to the disabled.

Hence this Bill.

NEW DELHI;  
November 8, 2000.

VAIKO.

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## BILL NO. 169 OF 2000

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

Substitution of  
new schedule  
for Seventh  
Schedule.

2. For Seventh Schedule to the Constitution of India, the following Schedule shall be substituted, namely:—

**“SEVENTH SCHEDULE****(Article 246)****List I—Union List**

1. Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation.

2. Naval, military and air forces; any other armed forces of the Union.

2A. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction privileges and liabilities of the members of such forces while on such deployment.

3. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives.

6. Atomic energy and mineral resources necessary for its production.

7. Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.

8. Central Bureau of Intelligence and Investigation.

9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.

10. Foreign affairs; all matters which bring the Union into relation with any foreign country.

11. Diplomatic, consular and trade representation.

12. United Nations Organisation.

13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

15. War and peace.

16. Foreign jurisdiction.

17. Citizenship, naturalisation and aliens.

18. Extradition.

19. Admission into, and emigration and expulsion from India; passports and visas.

20. Pilgrimages to places outside India.

21. Piracies and crimes committed on the high seas or in the air offences against the law of nations committed on land or the high seas or in the air.

22. Railways.

23. Highways declared by or under law made by Parliament to be national highways.

24. Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regards mechanically propelled vessels; the rule of the road on such waterways.

25. Maritimes shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.

26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of ports authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.

29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railways, sea or air, or by national waterways in mechanically propelled vessels.

31. Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

32. Property of the Union and the revenue therefrom, but as regards property situated in a State subject to legislation by the State, save in so far as Parliament by law otherwise provides.

33. Courts of wards for the estates of Rulers of Indian States.

34. Public debt of the Union.

35. Currency, coinage and legal tender; foreign exchange.

36. Foreign loans.

37. Reserve Bank of India.

38. Post Office Savings Bank.

39. Lotteries organised by the Government of India.

40. Trade and commerce with foreign countries; import and export across customs frontiers; definition of customs frontiers.

41. Inter-State trade and commerce.

42. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.

43. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.

44. Banking.

45. Bills of exchange, cheques, promissory notes and other like instruments.

46. Insurance.

47. Stock exchanges and futures markets.

48. Patents, inventions and designs; copyright; trade-marks and merchandise marks.

49. Establishment of standards of weight and measure.

50. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.

51. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

52. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.

53. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

54. Regulation of labour and safety in mines and oilfields.



55. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

56. Fishing and fisheries beyond territorial waters.

57. Manufacture, supply and distribution of salt by Union agencies, regulation and control of manufacture, supply and distribution of salt by other agencies.

58. Cultivation, manufacture, and sale for export of opium.

59. Sanctioning of cinematograph films for exhibition.

60. Industrial disputes concerning Union employees.

61. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

62. The institutions known at the commencement of this Constitution as the Banaras Hindu University, the Aligarh Muslim University and the Delhi University established in pursuance of article 371E; any other institution declared by Parliament by law to be an institution of national importance.

63. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

64. Union agencies and institutions for—

(a) Professional, vocational or technical training, including the training of police officers; or

(b) the promotion of special studies or research; or

(c) scientific or technical assistance in the investigation or detection of crime.

65. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

66. Ancient and historical monuments and records, and archaeological, sites and remains, declared by or under law made by Parliament to be of national importance.

67. The Survey of India, the Geological, Botanical, Zoological and Anthropological Surveys of India; Meteorological Organisations.

68. Census.

69. Union Public Services; All-India Services; Union Public Service Commission.

70. Union pensions, that is to say, pensions payable by the Government of India or out of the Consolidated Fund of India.

71. Elections to Parliament, to the Legislatures of States and to the offices of President and Vice-President; the Election Commission.

72. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker and Deputy Speaker of the House of the People.

73. Powers, privileges and immunities of each House of Parliament and of the members and the Committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament.

74. Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the Ministers for the Union; the Salaries, allowances and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

75. Audit of the accounts of the Union and of the States.
76. Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein; persons entitled to practise before the Supreme Court.
77. Constitution and organisation (including vacations) of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practise before the High Courts.
78. Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.
79. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.
80. Inter-State migration; inter-State quarantine.
81. Taxes on income other than agricultural income.
82. Duties of customs including export duties.
83. Corporation tax.
84. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.
85. Terminal taxes on goods or passengers, carried by railway, sea or air; taxes on railway fares and freights.
86. Taxes other than stamp duties on transactions in stock exchanges and futures markets.
87. Rates of ~~stamp duty~~ in respect of bills of exchange, cheques, promissory notes, bills of lading, ~~letters of credit~~, policies of insurance, transfer of shares, debentures, proxies and receipts.
88. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce.
89. Taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.
90. Offences against laws with respect to any of the matters in this List.
91. ~~Inquiries~~, surveys and statistics for the purpose of any of the matters in this List.
92. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; admiralty jurisdiction.
93. Fees in respect of any of the matters in this List, but ~~not~~ including fees taken in any court.
94. Any other matter not enumerated in List II or List III including ~~any tax not~~ mentioned in either of those Lists.

#### List II—State List

1. Public order (but not including the use of any naval, military or air force or ~~any~~ other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).
2. Police (including railway and village police) subject to the provisions of entry 2A of List I.
3. Officers and servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.

5. Local government, that is to say, the constitution and powers of municipal corporations improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

6. Public health and sanitation; hospitals and dispensaries.

7. Pilgrimages, other than pilgrimages to places outside India.

8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

9. Relief of the disabled and unemployable.

10. Burials and burials grounds; cremations and cremation grounds.

11. Libraries, museums and other similar institutions controlled or financed by the State ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.

12. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways; and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.

13. Agriculture, including agricultural education and research protection against pests and prevention of plant diseases.

14. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.

15. Pounds and the prevention of cattle trespass.

16. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.

17. Land, that is to say, right in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans, colonization.

18. Fisheries.

19. Courts of wards subject to the provisions of entry 34 of List I; encumbered and attached estates.

20. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.

21. Industries subject to the provisions of entries 7 and 52 of List I.

22. Gas and gas-works.

23. Trade and commerce within the State subject to the provisions of entry 33 of List III.

24. Production, supply and distribution of goods subject to the provisions of entry 33 of List III.

25. Markets and fairs.

26. Money-lending and money-lenders; relief of agricultural indebtedness.

27. Inns and inn-keepers; restaurants, hotels, lodges including price control.

28. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

29. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainment and amusements.

30. Betting and gambling.
31. Lotteries organised by States.
32. Works, lands and buildings vested in or in the possession of the State.
33. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.
34. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof.
35. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof; and if there is a Legislative Council, of that Council and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.
36. Salaries and allowances of Ministers for the State.
37. State public services, State Public Service Commission.
38. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.
39. Public debt of the State.
40. Treasure trove.
41. Transfer of property including agricultural land; registration of deeds and documents.
42. Vagrancy, nomadic and migratory tribes.
43. Lunacy and mental deficiency, including places for the reception of treatment of lunatics and mental deficients.
44. Prevention of cruelty to animals.
45. Forests.
46. Protection of wild animals and birds.
47. Adulteration of foodstuffs and other goods.
48. Commercial and industrial monopolies, combines and trusts.
49. Trade unions; industrial and labour disputes.
50. Social security and social insurance; employment and unemployment.
51. Welfare of labour including conditions of work, provident funds, employers' liability workmen's compensation, invalidity and old age pensions and maternity benefits.
52. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.
53. Charities and charitable institutions, charitable and religious endowments and religious institutions.
54. Vital Statistics including registration of births and deaths.
55. Weights and measures except establishment of standards.
56. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.
57. Factories.
58. Boilers.
59. Electricity.
60. Newspapers, books and printing presses.

61. Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance.
62. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.
63. Acquisition and requisitioning of property.
64. Stamp duties other than duties of fees collected by means of judicial stamps, but not including rates of stamp duty.
65. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.
66. Taxes on agricultural income.
67. Duties in respect of succession to agricultural land.
68. Estate duty in respect of agricultural land.
69. Taxes on lands and buildings.
70. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.

#### List III—Concurrent List

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air force or any other armed forces of the Union in aid of the civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this constitution.
3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.
4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.
5. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.
6. Contracts, including partnership, agency contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
7. Actionable wrongs.
8. Bankruptcy and insolvency.
9. Trust and Trustees.
10. Administrators—generals and official trustees.
11. Administration of justice; constitution and organisation of all courts except the Supreme Court and the High Courts.
12. Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings.
13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.
14. Contempt of court, but not including contempt of the Supreme Court.
15. Drugs and poisons, subject to the provisions of entry 59 of List I with respects to opium.
16. Economic and social planning.

17. Population control and family planning.
18. Legal, medical and other professions.
19. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.
20. Prevention of the extension from one State to another of infectious or contagious diseases of pests affecting men, animals or plants.
21. Ports other than those declared by or under law made by Parliament or existing law to be major ports.
22. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.
23. Trade and commerce in and the production, supply and distribution of:—
  - (a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest and imported goods of the same kind as such products;
  - (b) foodstuffs, including edible oilseeds and oils;
  - (c) cattle fodder, including oilcakes and other concentrates;
  - (d) raw cotton, whether ginned or unginned, and cotton seed; and
  - (e) raw jute.
24. Price control.
25. Recovery in a State of claims in respect of taxes and other public demands, including arrears of land-revenue and sums recoverable as such arrears, arising outside that State.
26. Inquiries and statistics for the purposes of any of the matters specified in List II or List III.
27. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
28. Fees in respect of any of the matters in this List, but not including fees taken in any court.

### STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution envisaged a strong Centre in order to protect the interest of the States. The intention was to protect the States and build a strong India than to dominate the States. Later, the Constitution of India was drastically changed to usurp the powers of the States. For each and everything, every State Government has to look to Centre and it cannot take any independent decision.

The Centre, with many more important responsibilities like Defence, Foreign Affairs, banking etc. is unable to cope up with other responsibilities. The Centre should be given only a few responsibilities so that it can concentrate on them and build a stronger independent India.

The State Governments should be given more powers in order to enable them to discharge their duties more responsibly.

Moreover, it is desirable that powers should be decentralised for effective discharge. Concentration of all powers on a single authority will make that authority not only ineffective but also autocratic.

Every State should be left alone to decide its policy. The Centre should intervene in only such matters where a State Government will not be able to function without cooperation from other States.

In order to build a strong and dynamic country, it is essential that a review of legislative powers is undertaken urgently.

Therefore, it is proposed to amend the Constitution suitably.

NEW DELHI;  
November 8, 2000.

VAIKO.

## BILL NO. 219 OF 2000

*A Bill to protect the property rights of women and girls and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Women and Girls (Protection of Property Rights) Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means the Central or the State Government under whose employment the deceased husband of the widow was, at the time of his death;

(b) “girl” means an unmarried woman;

(c) ‘property’ means movable and immovable property and includes all rights pertaining to property by way of lease, licence, inheritance, etc.;

(d) “prescribed” means prescribed by rules made under this Act.



3. A girl shall have the following rights namely:—

Rights of a girl.

(a) she shall have the right to live in the house of her parents, in relation to the dwelling unit of the parents, but shall have no right to seek partition or disposal thereof;

(b) she shall have an equal right in any property other than the residential house or dwelling unit referred to in clause (a) as a coparcener to such property, whether self acquired, joint-family property, or premises held on lease or license or under any other arrangement by the parents and shall have the right to claim partition thereof, if she decides to remain unmarried after attaining the marriageable age under any law for the time being in force;

(c) she shall have an equal right with other coparceners in the gains of the family business of her parents; and

(d) she shall have a right to any property as a coparcener in the family which is acquired by way of exchange or sale or transfer by any other party to the family and to any property acquired by her parents or family members by way of accretion or succession to a family property or otherwise.

3 of 1874.

4. A married woman shall, in addition to the rights for the enjoyment of her wages and earnings etc. as provided in the Married Women's Property Act, 1874 have the following rights by virtue of her marriage, in the property of her husband namely:—

Rights of a married woman.

(a) she shall have the right to live in the house of her husband whether owned or occupied by him, as a member of the family or joint-family, or as a lessee or licensee, solely or jointly, like any other member of the family of her husband:

Provided that such right shall not terminate in the event of judicial separation, divorce or death of the husband;

(b) she shall have the right to live in the residential house of her parents as referred to in clause (a) of section 3 in case she is deserted or divorced by her husband but shall have no right to claim partition or disposal of the whole or any part thereof;

(c) she shall have an equal share as a coparcener in the property of her husband, including the joint family property of the husband, from the date of marriage and like any other coparcener shall also have a right to claim partition in respect thereof and for disposal of a part or the whole of such share:

Provided that in the event of disposal of such share or part thereof, the other coparceners shall have a right of pre-emption.

5. A married woman shall have the right to claim maintenance under the law if deserted or divorced and have the first option to have the custody of the children as a guardian; and to claim maintenance under the law besides herself and for the children from her husband, which shall include the expenses to be incurred on the education and training and up-bringing of the children consistent with the status of the family of the husband:

Rights of a married woman referring maintenance.

Provided that if in the interest of the education, training or up-bringing of the children, it is considered necessary or expedient to leave the children under the guardianship of the husband or any one else, she shall have free excess to children born to her, irrespective of estrangement, desertion or divorce or death of the husband.

6. A widow shall have the following rights, namely:—

Rights of a widow.

(a) in case the husband dies in harness, she shall be entitled to suitable employment subject to eligibility, as may be prescribed, in an unorganisation under the appropriate Government or public or private enterprise, as the case may be, in which her deceased husband was employed at the time of his death:

Provided that if she is not eligible for any such employment, she shall be entitled to full pension at the same rate as her deceased husband would have been entitled, had he been alive:

Provided further that if the death of the husband occurs while on duty, and is attributable to the vagaries of the job, she shall be entitled to full wages as pensionary benefits till the superannuation date of the husband had he been alive, and to pension of usual rates thereafter, as may be payable to the husband during his life time.

(b) she shall have the first claim and absolute right to the property of her deceased husband, including that in a joint family property or as a coparcener;

(c) she shall be entitled to participate in the family business of the deceased husband on the same footing as her husband would have been.

Overriding  
effect of the  
Act and rules.

7. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make  
rules.

8. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act and shall cause them to be laid before each House of Parliament.

### STATEMENT OF OBJECTS AND REASONS

In India, with a male-dominated society, women constitute the most exploited and weaker sections of the community. In the patriarchal set up as is in India, women have traditionally little, rather negligible, by way of property rights. They have, so to say, no status of their own. In their childhood they are wholly dependent on their parents or guardians, in their married life they depend on the sweet will, nay whims and fancies, of their husbands, in their widowhood they are just destitutes.

Even after 53 years of independence, the status of women is practically no better. Amongst the minorities, the tribals and rural masses, it is comparatively worse. Since status goes with property-rights, an effort needs to be made to confer property rights on the women folk, right from birth, and childhood.

The present legislation seeks to codify and confer specific property rights on women at various stages of their lives, namely, childhood, unmarried and married life and desertion or destitution so as to accord them a status and confer on them rights equal to their male counterparts, in true spirit of the "Right to equality before the law" as enshrined in the Constitution of India.

NEW DELHI;  
November 10, 2000.

RENUKA CHOWDHURY.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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## BILL NO. 217 OF 2000

*A Bill further to amend the Unit Trust of India Act, 1963.*

BE it enacted by the Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Unit Trust of India (Amendment) Act, 2000.

52 of 1963.

(2) It shall come into force at once.

Amendment of  
section 10.

2. In section 10 of the Unit Trust of India Act, 1963, after clause (f), the following clause shall be inserted, namely:—

“(g) five independent trustees to be nominated by the Central Government.”.

### STATEMENT OF OBJECTS AND REASONS

At present the Board of trustees of Unit Trust of India does not have independent trustees. For effective functioning of Unit Trust of India, there is a need to appoint independent trustees in the Board.

The Bill accordingly seeks to amend the Unit Trust of India Act, 1963 to achieve this objective.

Hence this Bill.

NEW DELHI;  
November 17, 2000.

KIRIT SOMAIYA.

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### FINANCIAL MEMORANDUM

Clause 2 of the Bill provide that five independent trustees shall be nominated by the Central Government in the Board of Trustees of Unit Trust of India. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India in respect of payment of fees and allowances to the trustees for attending the meetings of the Board. It is estimated that an annual recurring expenditure of about rupees ten thousand is likely to be involved.

A non-recurring expenditure of about rupees ten lakh is also likely to be involved.

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## BILL No. 212 OF 2000

*A Bill further to amend the Unit Trust of India Act, 1963.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Unit Trust of India (Amendment) Act, 2000.

(2) It shall come into force at once.

Insertion of  
new section  
21A.

2. After section 21 of the Unit Trust of India Act, 1963, the following section shall be inserted, namely:— 52 of 1963.

Unit schemes  
subject to the  
provisions of  
Securities and  
Exchange Board  
of India Act,  
1992.

"21A. Every unit scheme of the Trust including US-64 scheme shall be subject to the provisions of the Securities and Exchange Board of India Act, 1992."

15 of 1992.

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**STATEMENT OF OBJECTS AND REASONS**

Recently, there was an all round sharp criticism of US 64 and many other schemes of Unit Trust of India. Lakhs of investors were put to loss.

With a view to regulating the scheme and to avoid such incidents, it is proposed to bring the scheme including US 64 of the Trust within the purview of Security and Exchange Board of India Act, 1992.

Hence this Bill.

NEW DELHI;  
*November 17, 2000.*

KIRIT SOMAIYA.

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## BILL NO. 215 OF 2000

*A Bill further to amend the Unit Trust of India Act, 1963.*

BE it enacted by Parliament in the Fifty First Year of the Republic of India as follows:

1. (1) This Act may be called the Unit Trust of India (Amendment) Act, 2000.

(2) It shall come in to force at once.

Insertion of  
new Chapter  
IIIA.

2. After Chapter III of the Unit Trust of India Act, 1963, the following Chapter and sections thereunder shall be inserted, namely:— 52 of 1963.

## CHAPTER IIIA

## ASSET MANAGEMENT COMPANIES

Constitution  
of Asset  
Management  
Companies.

18A. (1) The general superintendence, direction and management of unit schemes and mutual funds shall vest in asset management companies.

(2) An asset management company shall be managed by a Board of Directors.

(3) The Chairman and the directors of the Board shall be nominated by the Central Government.

Management of  
unit schemes  
and mutual  
funds shall be  
vested in Asset  
Management  
Companies.

18B. On and from the date of its constitution the asset management company shall be responsible for overseeing mutual funds and unit schemes.



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**STATEMENT OF OBJECTS AND REASONS**

As per regulations of the Securities Exchange Board of India Act, 1992, every mutual fund sponsorer is required to set up an asset management company. The Bill seeks to amend the Unit Trust of India Act, 1963 to enable setting up of an asset management company to oversee unit schemes and mutual funds sponsored by Unit Trust of India.

NEW DELHI;  
*November 17, 2000.*

KIRIT SOMAIYA.

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**FINANCIAL MEMORANDUM**

Clause 2 of the Bill provides for setting up of an Asset Management Company for overseeing unit schemes and mutual funds sponsored by Unit Trust of India. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

It is likely to involve a recurring expenditure of about rupees one lakh per annum. It is also likely to involve a non-recurring expenditure of about rupees ten lakh.

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## BILL No. 2 OF 2001

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2001.

(2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Amendment of  
the Schedule.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part XIX—  
West Bengal, entries 11 to 59 shall be renumbered, as entries 12 to 60 respectively, and  
before entry 12 as so renumbered, the entry “11. Chain” shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

The Government of West Bengal, based on unanimous Motion adopted in the Assembly dated 25.11.1997, have agreed to include the 'Chain' community in the list of Scheduled Castes.

The issue has been taken up by the Government of West Bengal with the Union Ministry of Social Justice and Empowerment and also with the National Commission for Scheduled Castes and Scheduled Tribes. This community, unless included in the List of Scheduled Castes, would be socially, culturally and economically deprived of all their rights which are guaranteed to the Scheduled Castes in the Constitution of India. The members of this community feel highly neglected and isolated from the mainstream of the Scheduled Castes in so far as their rights are concerned.

The Bill seeks to include 'Chain' community in the Scheduled Castes (Order) 1950 of the Constitution.

NEW DELHI;  
December 8, 2000.

ADHIR CHOWDHARY.

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## BILL NO. 6 OF 2001

*A Bill to provide for prevention of sexual abuse of women workers at their workplace by employers or colleagues and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Prevention of Sexual Abuse of Women at Workplace Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force immediately.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in relation to a State, the State Government and in relation to Union territories, the Central Government;

(b) “employer” means and includes,—

(i) in relation to private domestic employment, the head of family and other adult members of the family;

(ii) in relation to a private establishment, the head of the establishment and other senior workers and colleagues and partners of firm;

(iii) in relation to a Government establishment, the head of the department, immediate supervisor and senior colleagues;

(iv) in any other case, the person who or the authority which has the control over the affairs of the establishment or the house; and where such affairs are entrusted to any other person, whether designated as Manager, Managing Director, Director or by any other name, such person;

(c) "sexual harassment" means and includes any unsavoury and undesirable verbal remark, gesture or act pertaining to sex, or sexual advances, sexually explicit and indecent statements, avoidable physical contacts, suggestive remarks and obscene jokes including suggestive songs intentionally sung to the hearing of the person intended to be harassed, demands or invitations seeking sexual favours, and other outrageous acts constituting molestation or teasing of women employees committed with a view to violating their modesty;

(d) "sexual abuse" means and includes sexual assault, rape, attempts to rape and acts outraging the modesty of women and girls;

(e) "women" means and includes a woman or a girl employed, whether directly or through any agency, for wages or other consideration in any establishment, industry or household and includes domestic help;

(f) "work-place" means and includes,—

- (i) a domestic establishment or household;
- (ii) a shop or business establishment;
- (iii) an agricultural farm or field;
- (iv) a construction site;
- (v) a brick kiln and its premises;
- (vi) a factory and its premises;
- (vii) a mine and areas comprising the mine;
- (viii) a banking establishment;

(ix) a company and its premises, including its branches, guest houses and any other premises based or owned by the company, including hotel premises hired by it;

(x) premises of a Government, semi Government, or public sector offices or departments including telegraph office, post offices, telephone exchange, etc.;

(xi) a private house premises where the woman is employed to work;

(xii) any school, college, university or other such institutions and premises thereof;

(xiii) any establishment wherein persons are employed for any work;

(xiv) any such other place where women are employed for any work, whatsoever.

3. Whoever, being an employer or a fellow worker, commits the offence of sexual harassment on a woman worker at the work-place shall be punished with rigorous imprisonment of not less than six months besides any other action under the relevant conditions of service governing the appointment of such employer or fellow workers:

Penalty for sexual harassment.

Provided that where the accused is an employer, he shall also be subjected to a fine of not less than rupees twenty five thousand and damages of equal amount payable to the victim.

Penalty for sexual abuse.

4. Whoever, being an employer or a fellow worker, commits the offence of sexual abuse on a woman worker at the work-place, shall be punished with rigorous imprisonment of not less than three years:

Provided that where the offence is rape or an attempt to rape or outraging the modesty or attempt to outrage the modesty of the woman worker, the punishment shall be in accordance with the provisions of the Indian Penal Code:

45 of 1860.

Provided further that where the accused is an employer, he shall also be subjected to a fine of not less than one lakh rupees and damages of equal amount payable to the victim.

Onus for proving innocence.

5. Notwithstanding any other law for the time being in force, the onus of proving innocence shall be on the accused.

Special court for trial of offences.

6. The appropriate Government shall establish special courts for the trial of offences under this Act consisting of female judges as far as practicable and trial of offences under this Act shall be held *in camera*.

Provisions for rehabilitation measures.

7. The appropriate Government shall make provisions for the rehabilitation of the rape victims, in such manner as may be prescribed.

Publicity of provisions of Act.

8. The appropriate Government shall besides immediately notifying in the Official Gazette also publicise the provisions of this Act through electronic and print media for effective enforcement thereof.

Provisions not to be in derogation of other laws.

9. The provisions of this Act and rules, if any, made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force and the provisions of this Act and rules, if any, made thereunder, shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

The problem of sexual harassment of working women and girls in industrialised societies has acquired menacing proportions. A report of the International Labour Organisation has lately estimated that one third of the women in industrialised societies are sexually harassed at work-place and revealed that it has become a global issue.

In India, however, till a few years ago the concept of sexual harassment was unrecognised. Very few women would admit sexual harassment and exploitation by colleagues at work and even less would make a complaint. But it does not mean that sexual harassment, abuse and exploitation of women at work-place did not exist. While many suffered it silently, the others gave up their jobs and most of the victims dismissed it as a necessary evil of working in male dominated environment.

In recent years, however, a spate of sexual harassment and abuse cases have come to light in India. This indicated that Indian women would no longer suffer it silently.

On August 13, 1997, the Supreme Court in a land-mark judgment directed, It shall be the duty of the employer or others responsible persons in work-places or other institutions to prevent or deter the commission of acts of sexual harassment and provide the procedures for prosecution of acts of sexual harassment by making all steps required. The Apex Court further directed that where conduct of a worker, amounts to a specific offence under the Indian Penal Code, or under any other law, the employer shall initiate appropriate action in accordance with the law by making a complaint with the appropriate authority; adding that "In particular, it should ensure that victims or witnesses are not victimised or discriminated against.....". The victims should have the option to seek transfer; and where such conduct amounted to misconduct under relevant service rules, appropriate action should be initiated by the employer.

Among other guidelines of the Apex Court are creation of a complaining mechanism in every organisation, ensuring time bound treatment of complaints enabling employees to raise issues of sexual harassment at workers' meeting and other fora and creation of awareness of the rights of women employees by prominently notifying the guidelines.

The Supreme Court also directed the Union and State Governments to consider adopting suitable measures, including legislations, to ensure observance of these guidelines by the employers both public and private sectors.

Despite these elaborate directions and guidelines no action worth the name has so far been taken by the Central or State Governments or by any public or private sector employers.

It would, therefore, be in fitness of things to provide for an elaborate system involving proper deterrents against sexual harassment and sexual abuse at place of work.

To maintain the dignity of women in the present day male dominated society and to prevent harassment of women it has become necessary to enact a suitable legislation.

Hence this Bill.

NEW DELHI;  
February 5, 2001

RENUKA CHOWDHURY.

### FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of Special Courts consisting of Women Judges for trial of offences under this Act. Clause 7 of the Bill provides for the rehabilitation of rape victims. Clause 8 provides for publicity of the provisions of the Act for effective enforcement. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crore per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be incurred.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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## BILL No. 10 OF 2001

*A Bill to provide for constitution of a Commission for Management of National Disasters and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Disaster Management Act, 2001.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force immediately.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Commission” means the National Commission for Disaster Management constituted under section 3 of this Act;

(b) “disaster” means a natural disaster arising from an earthquake, cyclonic storm, floods, famines, droughts and such other calamities affecting a large area, mass of population, or those causing massive devastation or epidemics and includes the devastation caused by big fires including jungle fires or any other calamity so proclaimed by a notification by the Central Government or the Commission;

(c) “prescribed” means prescribed by rules made under this Act.

Constitution of  
a National  
Commission for  
Disaster  
Management.

**3. (1) The Central Government shall by notification in the Official Gazette constitute a Commission to be known as the National Commission for Disaster Management.**

(2) The Commission shall consist of the following:—

- (i) Union Minister of Agriculture who shall be the *ex-officio* Chairman of the Commission;
- (ii) Union Ministers of Environment and Forests, Health and Family Welfare, Social Justice and Empowerment;
- (iii) two members of Lok Sabha to be nominated by the Speaker, Lok Sabha;
- (iv) one member of Council of States to be nominated by the Chairman of Council of States;
- (v) Chief Ministers of States and Chief Administrators of Union territories;
- (vi) a representative of Indian Red Cross Society;
- (vii) a Member-Secretary to be appointed by the Central Government.

Functions of the  
Commission.

**4. (1) The Commission shall carry out all or any of the following functions:—**

(a) to lay down a National Policy for Disaster Management, subject to approval of Parliament;

(b) to provide for schemes and plans for management of national disasters and calamities, including a mechanism for forewarning and measures to be taken in anticipation of such calamities and damage control measures to minimize and mitigate the destruction and devastations resulting therefrom;

(c) to provide for management of relief and rehabilitation of the victims;

(d) to create and maintain a Disaster Management Fund;

(e) to over-see and supervise the work relating to disaster management and to issue guidelines in connection therewith from time to time; and

(f) to provide for any other matter incidental to aforesaid functions.

(2) The Commission shall have the powers to regulate the functions enumerated in sub-section (1) and for matters connected therewith.

**5. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.**

## STATEMENT OF OBJECTS AND REASONS

Cyclones, Earthquakes, Floods, Droughts and other natural calamities have been causing massive devastations and disasters, without any forecast or warning. Cyclones are followed by Super-cyclones and earthquakes of great and greater intensity hit different parts of the country with immeasurable severity. Earthquake befell Latur. While the trauma of Latur was still fresh and the victims had yet to be resettled, there comes the devastation earthquake of Gujarat, turning several towns, cities and villages in and around Bhuj into heaps of rubble. Rough estimates put the casualties at over a lakh.

Floods and droughts hit different parts of the country perennially with ever increasing severity, with magnitude often beyond measure.

These calamities which often strike with stunning effects, bring a number of calamities in their trail. There is never a dearth of will to help and rescue the victims. Hundreds of thousands of crores of aid may flow, struck-loads even train loads of relief material, food, medicines, clothes and tents may come and yet the aid often fails to reach those for whom it is meant; and at times may reach rather too late.

On the other hand, there is no dearth of vultures in human form, in this land of Gods and saints, who feast on the dead. The press is rife with reports of criminals and unscrupulous elements robbing and looting the victims of their belongings.

Despite all the will, money, resources and aid flowing freely from all over the world the relief fails to reach the victims and may often be too late. Need is there for a well oiled coordinated mechanism to come into play instantaneously.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
February 6, 2001.

SUSHIL KUMAR SHINDE.

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Disaster Management, and Clause 4 envisages setting up of a Disaster Management Fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees two crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of the tune of rupees five hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. The rules to be made will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

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## BILL NO. 45 OF 2001

*A Bill to provide for constitution of a Rapid Action Force to control communal riots in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- |   |  |
|---|--|
| 1. (1) This Act may be called the Rapid Action Force Act, 2001.   | Short title, extent and commencement.      |
| (2) It extends to the whole of India.   |  |
| (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.  |  |
| <b>2. The Central Government shall constitute a Force to be called as Rapid Action Force for controlling communal riots in the country or in any part thereof and performing such other duties as may be entrusted to it from time to time.</b> | Constitution of Rapid Action Force.        |
| 3. The Central Government shall deploy the Force constituted under section 2 at the time of communal riots or before actual occurrence of communal riots in any part of the country on request from the State Government concerned.             | Deployment of Rapid Action Force.          |
| 4. Every member of the Rapid Action Force shall be empowered to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient grounds exist.   | Duty of every member of Rapid Action Force |

Act not to be in  
derogation of  
other laws.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make  
rules.

6. (1) The Central Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide, for—

(a) the Constitution, governance, command and discipline of the Force;

(b) the enrolment of persons to the Force and the recruitment of other members of the Force;

(c) the conditions of service of members of the Force; and

(d) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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**STATEMENT OF OBJECTS AND REASONS**

Even fifty years after Independence, communal riots continue to break out in the country. Of late although there has been some improvement, our country is still facing communal riots. India is a secular country and all people irrespective of caste, colour or creed enjoy equal rights under the Constitution. Involvement of external forces in inciting communal disturbances is one of the reasons for the occurrence of such incidents. The poor and innocent people easily fall prey to their machinations. The outbreak of communal riots at one place affect the other parts of the country because of false propaganda. Sometimes State Government machinery is unable to swiftly act and control such communal riots. It is therefore necessary to constitute a separate force to be known as Rapid Action Force to prevent and control the communal riots in any part of the country. The Bill seeks to make provision accordingly.

Hence this Bill.

NEW DELHI;  
April 4, 2001.

IQBAL AHMED SARADGI.

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**FINANCIAL MEMORANDUM**

Clause 2 of the Bill provides for constitution of the Rapid Action Force to control communal riots in any part of the country. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

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## BILL NO. 51 OF 2001

*A Bill to regulate the adoption of children and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Adoption of Children (Regulation) Act, 2001.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means the State Government in case of a State and the Central Government in all other cases; and

(b) “child” means a child irrespective of his sex who has not attained the age of eighteen years.

No person shall  
indulge in sale  
or purchase of a  
child.

3. No person shall indulge in sale or purchase in any form of a child in the country.



4. No organization or institution shall indulge in dealing with either taking or giving in adoption of children in any form in the country except as provided for in this Act.

No organization or institution shall have dealings in adoption of children.

5. (i) The appropriate Government shall set up Centre to be known as the Centre for welfare, rehabilitation and adoption of children in each district of the State.

Setting up of Centres for welfare, rehabilitation and adoption of children.

(ii) The Centre set up under sub-section (i) shall take over all such organizations or institutions working in connection with welfare, rehabilitation and adoption of children in that district.

6. (i) Whoever desires to adopt a child shall apply in the manner as may be prescribed by rules made under this Act to a Centre for adoption of such child.

Procedure for adoption of a child.

(ii) Whoever adopts a child shall inform the respective centre about development and welfare of the adopted child from time to time until such child attains the age of eighteen years.

7. Whoever violates the provisions of the Act shall be punished with imprisonment for a term of not less than six years and with a fine not less than one lakh rupees.

Punishment.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being force or instrument/instruction having effect by virtue of any law, other than this Act.

Over riding effect of the Act.

9. The Central Government may, by notification in the official Gazette, make rules for carrying out provisions of this Act.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

Recently, several cases of sale of children have been reported in newspapers. A number of non-governmental organizations and institutions, set up for the purpose of welfare and rehabilitation of orphans and helpless children have also reportedly involved in dealings in children for monetary gains. There is no system of verifying the antecedents of persons who seek adoption. The loopholes enable child-trafficking in the name of adoption of children. At present there is no law to effectively tackle sale of children.

It is, therefore, necessary to enact a law to prohibit trafficking of children and regulate adoption of children.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*June 21, 2001.*

IQBAL AHMED SARADGI.

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### FINANCIAL MEMORANDUM

Clause 5 provides for setting up of a centre for welfare, rehabilitations and adoption of children in each district of the State. The Central Government will bear expenditure incurred in respect of Union territories and the State Governments will bear expenditure incurred in respect of States from their respective funds. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that annual recurring expenditure of about rupees three crore is likely to be involved.

A non-recurring expenditure of about rupees five lakh is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

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## BILL No. 52 OF 2001

*A Bill to regulate computer training centres and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Computer Training Centres (Regulation) Act, 2001.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the Central Government or the State Government as the case may be;

(b) "computer training centres" means and includes a centre in which course including advanced course in computer is imparted or training is provided to persons already knowing computer operations or where training is given to those who are aspiring for jobs in computer industry; and

(c) "prescribed" means prescribed by rules made under this Act.

Computer centres not to function without registration.

3. On and from the date of commencement of this Act, no person shall run any computer centre without prior registration.

Computer centres to apply for registration.

4. The in-charge or the head of the affairs of a computer centre, whether set up prior to or after the commencement of this Act shall apply to the appropriate Government within one month from the date of commencement of this Act, for obtaining registration in such form as may be prescribed.

Scrutiny of an application.

5. The appropriate Government shall, on receipt of an application under section 4 cause to be scrutinized as to the genuineness of the computer centres and shall carry out such investigation as it may deem fit to ensure that the particulars furnished by the computer centres for registration are in order and that the institute has fulfilled all the minimum requirements.

Issue of registration certificate.

6. On being satisfied that the particulars furnished by the computer centre are in order, the appropriate Government may issue a registration certificate in favour of the computer centre for such period as it may deem fit.

Syllabus and fees.

7. The appropriate Government shall prescribe syllabus and fees for each course imparted by a computer education centre.

Complaint to be investigated.

8. If, on receipt of a complaint regarding the functioning of a computer centre, the appropriate Government shall cause to be investigated and take a decision within one month from the date of the receipt of the complaint.

Cancellation of registration.

9. If on the investigation it is found that the complaint has been found in order, the appropriate Government shall forthwith cancel the registration accorded to the computer centre against which a complaint has been lodged.

Punishment.

10. If any person violates the provisions of this Act, he shall be liable to punishment for a term not less than three years and a fine of rupees one lakh.

Power to make rules.

11. The Central Government by notification in the official Gazette may make rules for carrying out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS

A large number of computer training centres are functioning in the country without proper registration. These centres charge exorbitant fees from students. They do not have proper facilities or course content to impart quality training. Recently, there have been some instances in which the institutes closed down their operations without completing courses after enrolment of students and after collection of huge amount of money from them. The students have been left in the lurch. In order to protect the interest of students community, there is a need to regulate the functioning of the computer institutions in the country.

The Bill seeks to provide for the due registration of all computer training centres and also provide for punishment to those who are running training centres without registration.

Hence this Bill.

NEW DELHI;  
June 21, 2001.

IQBAL AHMED SARADGI.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 54 OF 2001

*A Bill to provide for reservation of seats in all educational and technical educational institutions for children whose parents are living below poverty line.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title  
extent,  
commencement  
and application.

1. (1) The Act may be called the Reservation in Educational Institutions (For Children of Parents living Below Poverty Line) Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force at once.

(4) It shall apply to every educational institution which is maintained by the Central or a State Government or receiving grant-in-aid from either Government or recognized by the Central or State Government or University established by an Act of Parliament or a State Legislature or deemed University.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of State and in other cases, the Central Government;

(b) "persons living below poverty line" means all such persons who according to norms fixed by the Central Government from time to time are living below poverty line.

3. There shall be reserved twenty-five per cent of seats in all educational institutions and technical educational institutions including higher technical educational institutions for children of parents living below poverty line:

Reservation of seats in educational institutions.

Provided that such benefits shall be restricted to only one child.

4. The appropriate Government shall bear all expenditure incurred on education of children of parents living below poverty line.

Appropriate Government to bear expenditure incurred on education.

5. The Central Government may by notification in the official Gazette make rules for carrying out the provisions of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

It is true that during the post-independent period, there has been considerable expansion in educational facilities and enrolment in educational institutions as revealed by successive surveys. Both the Central and State Governments have been expanding the provisions of formal and non-formal education to realize the goal of universalisation of education. Consequently, literacy rate has improved from time to time. According to National Sample Survey estimates, the literacy rate has increased by about 12 percentage in a period of six years from 52.21 in 1991 to 64.20 per cent by 1997. However, there is a considerable size of our population who still remain illiterate. The primary cause of illiteracy is poverty prevalent in the country. Still 27 per cent of our population are living below poverty line. Their income is so meager that they have to fight for their subsistence. These poor people are unable to afford the expenditure incurred on education of their children. It is, therefore, necessary that some percentage of seats be reserved for children whose parents are living below poverty line in all educational institutions. It will not only help in eradicating illiteracy from the country but will also protect the interests of economically weaker section of the society.

NEW DELHI;  
*June 21, 2001.*

IQBAL AHMED SARADGI.



#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall bear the entire expenditure incurred on education of children whose parents are living below poverty line in the country, the provision of which shall be made by the respective Governments in annual budget. The Bill, if enacted and brought into operation, will involve a recurring expenditure of about rupees one hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be incurred.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of details only, the delegation of legislative power is of a normal character.

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## BILL NO. 55 OF 2001

*A Bill to provide for reservation in posts and appointments for women under the State and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Women (Reservation in Service) Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government concerned, and in all other cases the Central Government;

(b) “service” means the service in connection with the affairs of the Central or any State Government and includes the service in any public sector undertaking or enterprise or any authority under the appropriate Government;

(c) “prescribed” means prescribed by rules made under this Act;

(a) "public sector undertakings and enterprises" means and includes all public sector undertakings, enterprises, banks and financial institutions wholly owned or managed by the Central Government or a State Government or in which fifty-one percent shares are held by the appropriate Government.

3. There shall be reserved thirty-three percent of all appointments and posts in services under the State for women.

Reservation for women in service.

4. The appropriate Government shall make provision for relaxation of eligibility conditions, qualifying marks in any examination or lowering the standard of evaluation consistently with the maintenance of administrative efficiency, as may be prescribed in case of appointment of women in services under State.

Appropriate Government to consider claims of women afflicted with typical family obligations and constraints.

Provided that women afflicted with typical family obligations and constraints or who do not have means of livelihood on their own shall be given preference in employment subject to eligibility as per provisions laid down in the Act.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules

## STATEMENT OF OBJECTS AND REASONS

Women in India often find themselves so deeply engrossed in family affairs and burdened with such heavy domestic responsibilities that despite their capabilities, education and aptitude, they are unable to enter into Government services in due time.

Women have only marginal representation in services connected with the affairs of the State. Even though they are capable of carrying out the responsibilities of the various assignments efficiently, they sometimes fall short of requisite qualifications, experience and other conditions of eligibility.

It would, therefore, only be proper to reserve thirty-three percent of posts for women in all appointments in services under the State, including public sector undertakings and enterprises and to provide for relaxation in the matter of age-limit, requisite educational qualifications, experience and other conditions of eligibility to ensure their due representation in Government services.

Hence this Bill.

NEW DELHI;  
June 25, 2001.

RENUKA CHOWDHURY.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL No. 56 OF 2001

*A Bill to provide for the constitution of a Commission for the rehabilitation and welfare of the persons with disabilities including the mentally and visually disabled persons and for the matters connected therewith.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Persons with Disabilities Act, 2001.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) "Commission" means the National Commission for persons with disabilities established under section 3;

1 of 1996.

(b) "disability" has the same meaning assigned to it in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(c) "person with disability" has the same meaning assigned to it in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

(d) "prescribed" means prescribed by rules made under this Act.

Constitution  
of the  
National  
Commission  
for persons  
with  
disabilities.

**3. (1) The Central Government shall, by notification in the Official Gazette, establish a National Commission for persons with disabilities with its headquarter at New Delhi.**

(2) The National Commission shall consist of the following members, namely :—

(i) the Union Ministers of Health and Family Welfare, Labour, Finance and the Deputy Chairman of the Planning Commission;

(ii) the Chairman or a representative of the Central Social Welfare Board;

(iii) a representative each of the State Governments and Union territory administrations;

(iv) a representative each of the blind and the physically disabled and one expert in mental diseases, to be nominated by Central Government;

(v) a representative representing the associations and voluntary organizations engaged in welfare of the blind, the physically disabled and the mentally retarded;

(vi) three members of Parliament of whom two shall be from Lok Sabha and one from Rajya Sabha to be nominated by the Speaker and the Chairman, respectively.

(3) The Union Minister of Social Justice and Empowerment shall be the Chairman of the Commission.

(4) The Commission shall meet at least once in every six months.

(5) The sub-committee of the Commission shall visit various parts of the country to monitor the working of the police and programmes laid down by it.

Functions of  
the Commis-  
sion.

4. It shall be the duty of the Commission to:—

(a) evolve a national policy for the rehabilitation of the persons with disabilities;

(b) lay down programmes, operate services and pilot projects for the rehabilitation of the persons with disabilities by way of issuing instructions and directions to Central and State Government agencies for implementation thereof;

(c) lay-down guidelines for rehabilitation of the persons with disabilities;

(d) create and operate a Fund financing benevolent and rehabilitation schemes for the persons with disabilities;

(e) review the facilities available to the persons with disabilities from time to time.

(f) ensure implementation of the laws in force for welfare of persons with disabilities and provision of this Act effectively.

Power to  
make rules

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Persons with disabilities are as much integral to the nation as any other able-bodied citizen. Millions of persons suffer from one handicap or the other and yet most of them are well talented provided suitable opportunity and support is afforded to them. Even the mentally retarded deserve the nation's support to help them develop their ability and contribute their mite for the nation and live a life with dignity.

While some effort on the part of the Government and the society is seen for providing opportunities, though inadequate, for physically handicapped, the mentally handicapped are simply consigned to their lot. Experts in psychiatry and medicine maintain that a large percentage of the mentally retarded and handicapped persons too can well be rehabilitated enabling them a life with dignity, if suitable aid is given to them, which includes a large measure of support from the society. At present there is no support worthwhile from any quarter. They are left to their fate and indifference by the society aggravates their malady.

The nation owes a responsibility to provide for opportunities to these disabled and handicapped people to lead a life with dignity, as useful citizens of the motherland. There is a pressing need for constituting a National Commission to evolve and implement a national policy and programme for the resettlement of the persons with disabilities and to co-ordinate and oversee the activities of different agencies functioning in this field.

Hence this Bill.

NEW DELHI;  
June 25, 2001.

SUSHIL KUMAR SHINDE.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Commission for the persons with disabilities. Clause 4 also contemplates creation of a Fund for benevolent and rehabilitation schemes. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non recurring expenditure of about rupees one crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is of a normal character.

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G. C. MALHOTRA,  
*Secretary-General.*